

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

W.R. GRACE & CO., *et al.*,

Debtors.

Chapter 11

Case No. 01-01139 (JKF)

Jointly Administered

Related Docket No. 23018

**ORDER APPROVING STIPULATION BETWEEN ARROWOOD, MARYLAND
CASUALTY COMPANY, CNA COMPANIES AND THE LIBBY CLAIMANTS
RESOLVING ARROWOOD'S MOTION TO STRIKE, AND OBJECTIONS TO, THE
LIBBY CLAIMANTS DEPOSITION DESIGNATIONS OF DEPOSITIONS OF TWENTY
ONE INDIVIDUAL CLAIMANTS TAKEN OUTSIDE THE BANKRUPTCY**

The Court having considered the *Stipulation Between Arrowood, Maryland Casualty Company, CNA Companies and the Libby Claimants Resolving Arrowood's Motion to Strike, and Objections to, the Libby Claimants Deposition Designations of Depositions of Twenty One Individual Claimants Taken Outside the Bankruptcy*, a copy of which is attached hereto as Exhibit A; the Court having determined that good and adequate cause exists for approval of the Stipulation; and the Court having determined that no further notice of the Stipulation must be given.

IT IS HEREBY ORDERED that the Stipulation is APPROVED.
It is **FURTHER ORDERED** that this Stipulation is binding on the parties to it and is without prejudice to other parties.

DATED: September 23, 2009



The Honorable Judith K. Fitzgerald
United States Bankruptcy Judge

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

W.R. GRACE & CO., *et al.*,

Debtors.

Chapter 11

Case No. 01-01139 (JKF)

Jointly Administered

Related Docket Nos.: 23018, 23047, 23070, 23087, 23217

**STIPULATION BETWEEN ARROWOOD, MARYLAND CASUALTY COMPANY,
CNA COMPANIES AND THE LIBBY CLAIMANTS RESOLVING ARROWOOD'S
MOTION TO STRIKE, AND OBJECTIONS TO, THE LIBBY CLAIMANTS
DEPOSITION DESIGNATIONS OF DEPOSITIONS OF TWENTY ONE
INDIVIDUAL CLAIMANTS TAKEN OUTSIDE THE BANKRUPTCY**

IT IS HEREBY STIPULATED AND AGREED by and between the Libby Claimants, Arrowood¹, Maryland Casualty Company ("Maryland") and Continental Casualty Company, Continental Insurance Company (collectively "CNA") as follows:

1. That the Libby Claimants may only offer the deposition designations that they have filed for the twenty-one witnesses deposed outside of this bankruptcy against the Plan Proponents in support of the Libby Claimants' discrimination (the "Twenty-One Non-Bankruptcy Deponents")² objections and shall not offer such deposition designations against Arrowood, Maryland or CNA for any purpose.

2. The Libby Claimants shall withdraw for all purposes those deposition designations that contain testimony where any one of the Twenty-One Non-Bankruptcy Deponents purports to describe what his or her doctor said or diagnosed.

¹ "Arrowood" means Arrowood Indemnity Company f/k/a Royal Indemnity Company.

² The deposition excerpts in dispute are those of the following individual claimants: (1) Mary Ruth Albert; (2) Stuart Cannon; (3) Edward Nick Carvey; (4) Carl E. Craig; (5) Carrie M. Dedrick; (6) Kenneth Finstad; (7) Daniel Garrison; (8) Edward A. Gaston; (9) Robert L. Graham; (10) William J. Hagerty; (11) James G. Hopkins; (12) Jack Kenworthy; (13) Carl Larson; (14) John B. Lyle; (15) Thomas F. Murray; (16) Robert D. Nelson; (17) Darlene J. (Toni) Riley; (18) Wilma R. Shearer; (19) Verle Vinson; (20) Robert J. Wilkes; and (21) Andrew J. Wright.

3. Arrowood shall withdraw its Motion to Strike, And Objections to, The Libby Claimants Designations of Depositions of Twenty One Individual Claimants Taken Outside the Bankruptcy (the “Motion”) and Maryland and CNA shall withdrawal their joinders to the Motion, upon the execution by all parties of this Stipulation.

Dated: September 22, 2009
Wilmington, Delaware

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